EXHIBIT A

California Legislature—1977-78 Regular Session

Assembly Concurrent Resolution No. 34

Introduced by Assemblyman Cullen

March 29, 1977

Referred to Committee on Governmental Organization.

Assembly Concurrent Resolution No. 34—Relative to the boundaries of the State of California.

LEGISLATIVE COUNSEL'S DIGEST

ACR 34, as introduced, Cullen (G.O.) State of California: boundaries.

This measure would request the Governor and the Attorney General to take such action as is necessary to verify and defend the boundaries of the State of California as they are set forth in the 1849 California Constitution.

Fiscal committee: yes.

WHEREAS, A question has arisen with respect to the correct location of California's eastern boundary from the southern boundary of the State of Oregon, running south on the 120th degree of west longitude to its intersection with the 39th degree of north latitude; and

WHEREAS, It is essential to maintain the integrity of the boundaries of the State of California as they were constituted and set forth in the 1849 Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor and the Attorney General of the State of California are requested to take such action as is necessary to verify and defend the boundaries of the State of California as they are set forth in the 1849 California Constitution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and the Attorney General.

IN THE

Supreme Court of the United States

October Term, 1976
No. 73, Original

STATE OF CALIFORNIA,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

Brief Amicus Curiae on Behalf of California State Assemblyman Mike Cullen.

Question Presented.

In resolving the California-Nevada boundary dispute, should not the Congressionally-approved 120th meridian be established as the demarcation, rather than one of the two admittedly erroneous surveys advocated by the parties? The parties raise the question of a boundary dispute, then ignore the dividing line agreed upon when the states entered the Union.

Interest of Amicus Curiae.

As a representative of citizens of California elected to the California Legislature, movant desires to advance the historical Eastern boundary of California for the Court's consideration in deciding this case. Neither plaintiff nor defendant have advanced the true 120th meridian as an option open to the Court; yet

this is the boundary agreed upon by both states and approved by Congress. Calif. Const. of 1849, Art. XII, §1, (now Calif. Const. Art. III, §2); Nevada Const. Art. 14, §1; Act of Sept. 9, 1850, c. 50, 9 Stat. 452; Act of March 21, 1864, c. 36, 13 Stat. 30; Proclamation No. 22, 13 Stat. 749 (Oct. 31, 1864). Rather, the parties seek judicial legislation in the fixing of an erroneous survey by Court decree.

The 120th meridian boundary would inure to the benefit of the citizens of California by bringing into the state approximately 80 square miles of land now governed by the state of Nevada. Under present technology, this meridian can be accurately fixed to within a few feet. The relative position of the boundary lines are shown on Exhibit 2 of the Complaint, and Exhibit 1 attached to this brief. (Reprint of Lake Tahoe chart—2 pages).

ARGUMENT.

Movant adopts, by reference, the background of controversy, surveys and investigations of the 120th meridian boundary set forth in plaintiff's Motion for Leave to File Complaint (pp. 3-10).

Plaintiff prays the Court to determine that the 1873 survey is the true boundary between California and Nevada. Defendant prays that the Court select the 1863 survey as the true boundary. Neither survey accurately fixes the 120th meridian. A third alternative, the true 120th meridian boundary described in the California 1849 Constitution, approved by the Congress, is mentioned only in historical narrative.

A current 120th meridian survey to establish the true boundary is the logical alternative to the prayers of plaintiff and defendant. The Court can order the parties to undertake an accurate survey to fix their agreed boundary.

If a current survey, using available space-age technology, were to confirm the location of the 120th meridian as shown on Exhibit 1, then approximately 80 square miles of land now governed by the state of Nevada would become situated in the state of California. This land is rich in resources, principally timber, and property taxes thereon would redound to the benefit of citizens of California. While there may be other factors for the Court to consider, nonetheless, California's citizens, by virtue of their 1849 Constitution, are clearly entitled to advance the 120th meridian, accurately fixed, as the true boundary between California and Nevada. Since the Attorney General has failed to do so, movant seeks standing to advance this alternative on behalf of the citizens of California.

Conclusion.

Modern survey techniques now make it possible to establish the true 120th meridian within an accuracy range of plus or minus a few feet. A current survey should be undertaken and the resultant location of the 120th meridian should be adopted as the separation between California and Nevada above the 39° parallel.

Respectfully submitted,

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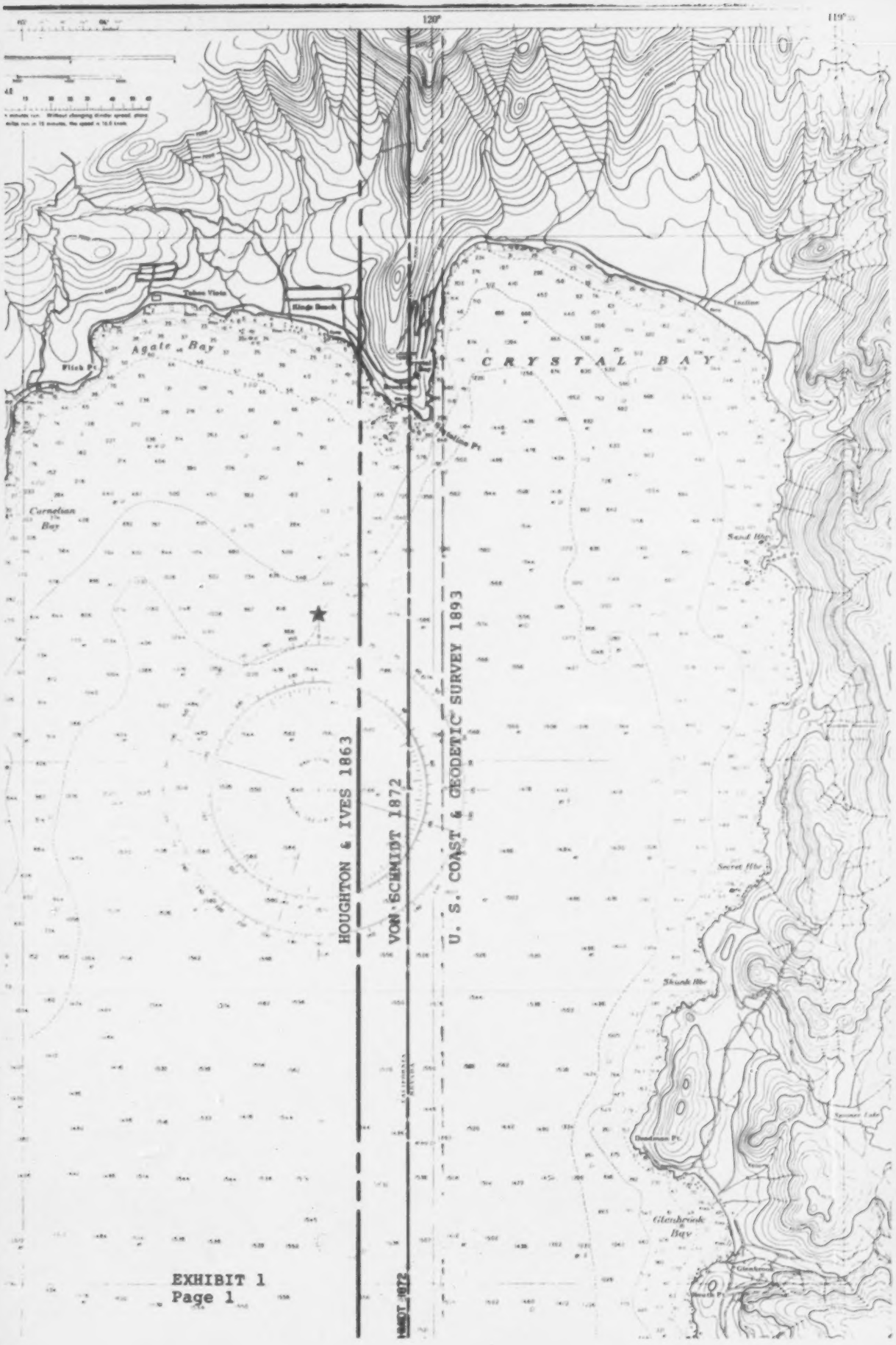
February 8, 1978.



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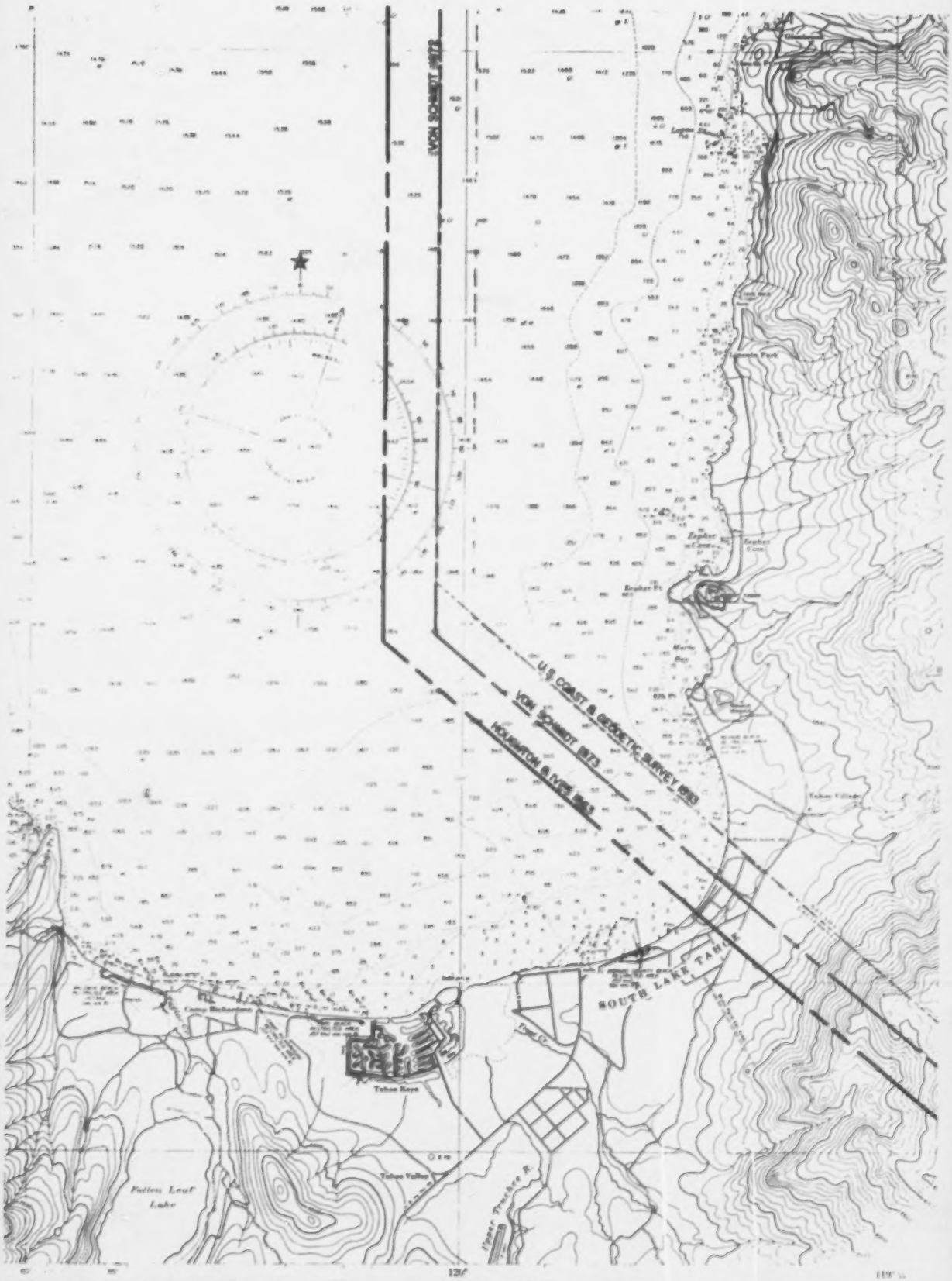

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Lake Tahoe

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